IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 7130 of 1997

Between:

D.Madhusudan Reddy, S/o Krishna Reddy,
D.No.59/A8/10-7, MaruthiColony, Vijayawada-8,
Krishna Dist.

... PETITIONER

AND

1 The Engineer-in-chief, Irrigation & CAD Dept.,
Errammanzil, Hyderabad.
2 The Superintending Engineer, Irrigation circle,
Vijayawada.
3 The Executive Engineer, Special Division, Near P.W.D.Grounds,
Vijayawada, Krishna Dist.
4 The Pay & Accounts Officer, Works Projects,
Vijayawada.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in deducting the Seigeniorage fee at higher rates than the rates prescribed in the Tender conditions as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to refund the same forthwith pursuant to the works (1) Agreement No.44-SE/93-94 improvement of Gollapudi Lift irrigation Supply channel from km.0.00 to 7.260 and (2) package No.4, improvement to Nalla Tank of Musunuru and Ramalingam Tank of Chintalavalli with interest from the date of payment of final bill till the date of refund.

Counsel for the Petitioner: MR.B.VENKAT REDDY

Counsel for the Respondents: G.P. FOR IRRIGATION & COMMAND AREA

DEVELOPMENT.

The Court made the following. -

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

2. It is submitted by the learned Government pleader and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998.

3. In the circumstances, following the common order of this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

4. However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

March 21, 2005

MRR

Copy to. –

1 *The Engineer-in-chief, Irrigation & CAD Dept., Errammanzil, Hyderabad.*
2 *The Superintending Engineer, Irrigation circle, Vijayawada.*
3 *The Executive Engineer, Special Division, Near P.W.D.Grounds, Vijayawada, Krishna Dist.*
4 *The Pay & Accounts Officer, Works Projects, Vijayawada.*

5 Two C.C. s to the G.P. for Irrigation and Comm. Area Development, High

Court Buildings, Hyderabad (OUT)

Two C.D. copies.

Enclosed along with a copy of judgment dated 07-10-1998 in W.P.No.7456 of 1998 – R1 to R6.

*Form-NIC-OGS/WP {**VVS**}*